



SECTOR#

XX

6015F

Atty. Dkt. 16218-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Dale A. Miles)
Serial No. 09/056,220)
Filed April 7, 1998)
PORTABLE X-RAY DEVICE)

PETITION TO ESTABLISH PRIOR RECEIPT
OF ITEMS CONSIDERED AS OMITTED BY THE PTO
IN RESPONSE TO "NOTICE OF OMITTED ITEMS"

Assistant Commissioner of Patents
Attn: BOX MISSING PARTS
Washington, D. C. 20231

Sir:

This is in response to the "Notice of Omitted Items" mailed for this application on May 14, 1998.

A copy of the "Notice of Omitted Items" is enclosed.

Applicant asserts that the items indicated as omitted were in fact deposited with the PTO with the original application papers filed on April 7, 1998.

In accordance with the requirements of the Notice of June 5, 1996, 61 Fed. Reg. 30,041-30,046, Applicant hereby:

I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an
envelope addressed to the Assistant
Commissioner for Patents, Washington, D.C.
20231 on July 8, 1998

(Date of Deposit)

Troy J. Cole

Name of Registered Representative

Signature

July 8, 1998

Date of Signature

- A. Petitions under 37 C.F.R. 1.53(e) for a review of the determination that the items in issue were omitted;
- B. Submits the petition fee under 37 C.F.R. 1.17(i); and
- C. Submits the following evidence that the items indicated as omitted were in fact deposited with the PTO on April 7, 1998, which is the original date on which the papers for this application were deposited:
 - 1. Photocopy of return post card showing thereon that 18 sheets of drawings were in fact deposited, which includes the five sheets (FIGS. 20-29) that were indicated as omitted; and
 - 2. Photocopy of the undersigned attorney's file copy of the five sheets of drawings indicated as omitted showing labels on the reverse side "Sheet 14 of 18 Sheets" through "Sheet 18 of 18 Sheets".


It is respectfully submitted that this evidence constitutes a sufficient showing that the five sheets of drawings (Figs. 20 to 29) claimed to be omitted by the PTO were, in fact, deposited with the PTO on April 7, 1998, the date on which the papers for this application were deposited.

Please proceed with further examination of the complete application filed on April 7, 1998 (including all 18 sheets of drawings) under 37 C.F.R. § 1.129(a).

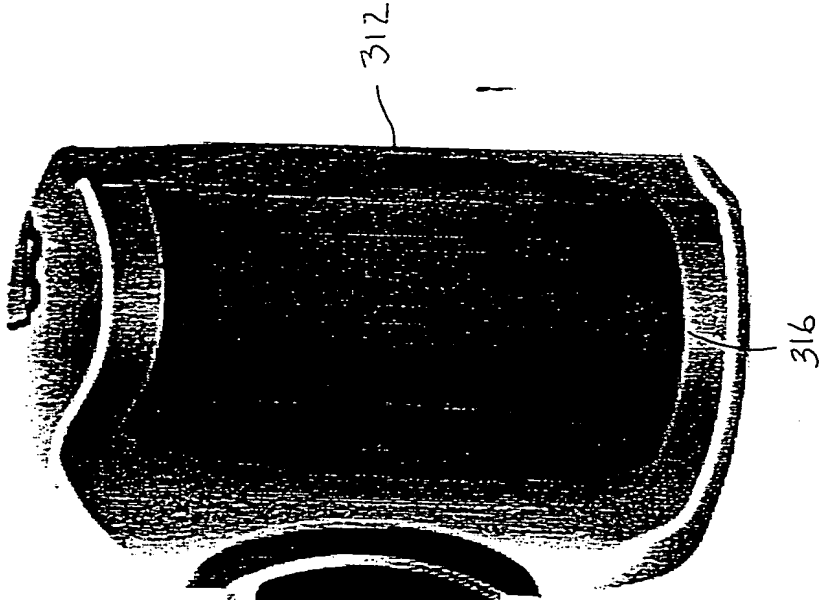
This is a nonprovisional application. A check in the amount of \$130.00 to cover this Petition fee is enclosed. The Patent Office is authorized to charge any fee deficiency necessary for this Petition or generally in this application to Deposit Account No. 23-3030, but not to include the payment of any issue fees.

It is respectfully requested that, upon grant of the Petition under 37 C.F.R.
1.53(e), the Petition fee be refunded by payment of refund by check.

Respectfully submitted,

By 
Troy J. Cole
Reg. No. 35,102
Woodard, Emhardt, Naughton,
Moriarty & McNett
Bank One Center Tower
111 Monument Circle, Suite 3700
Indianapolis, Indiana 46204-5137
(317) 634-3456

310 ↗



314

338

330

332

344

340

FIG. 20

342

341

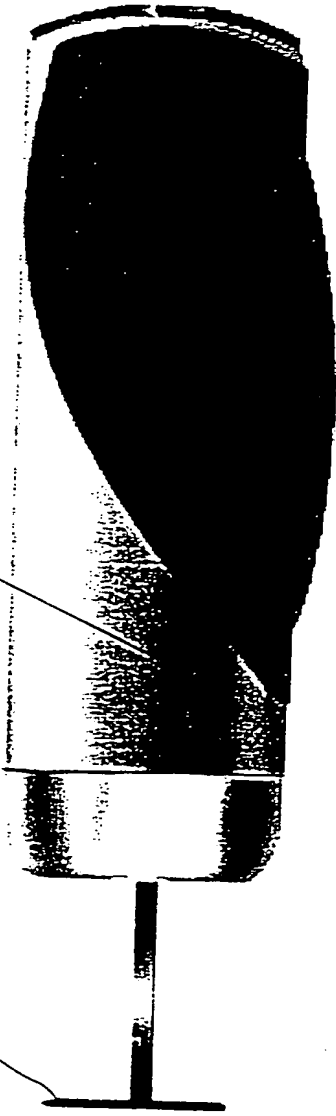
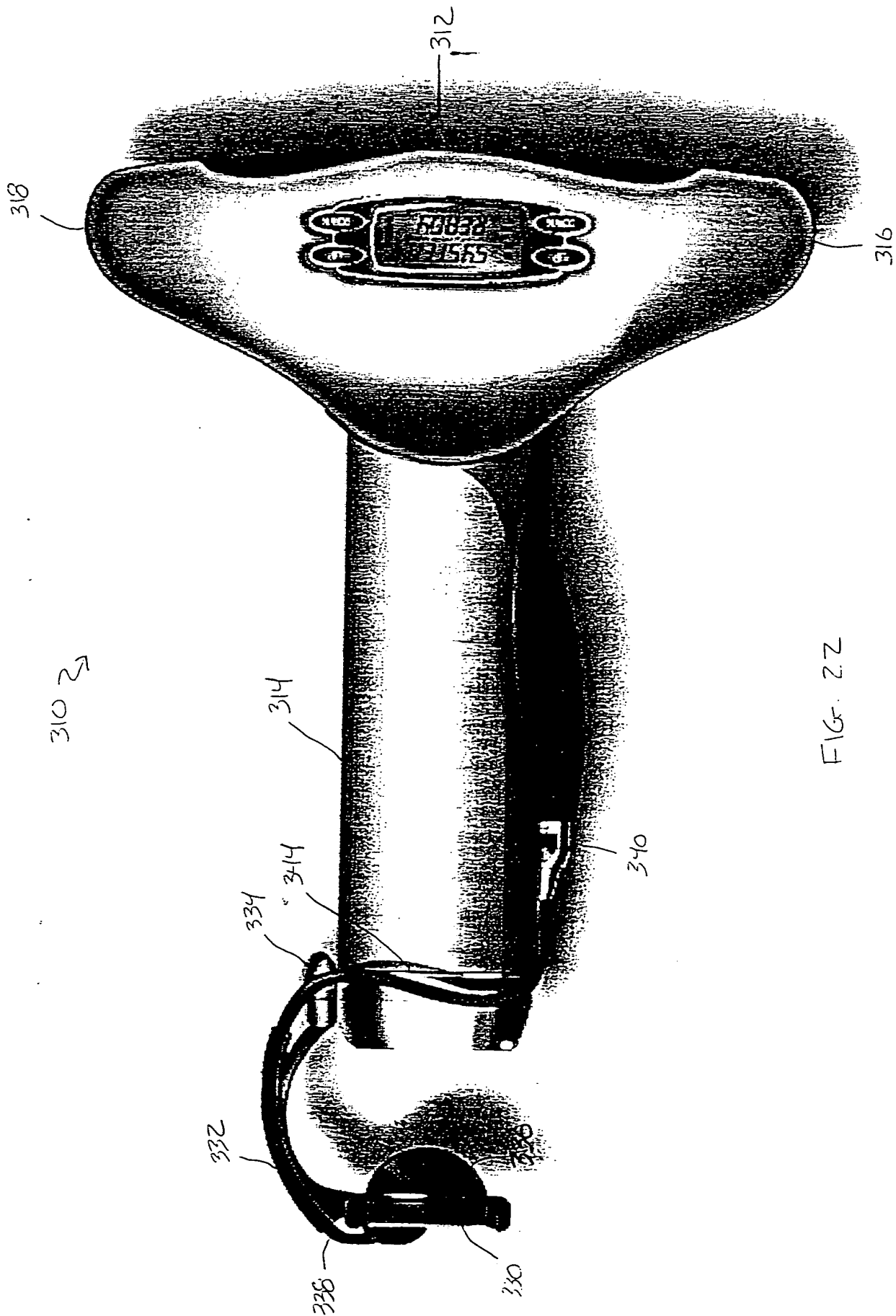
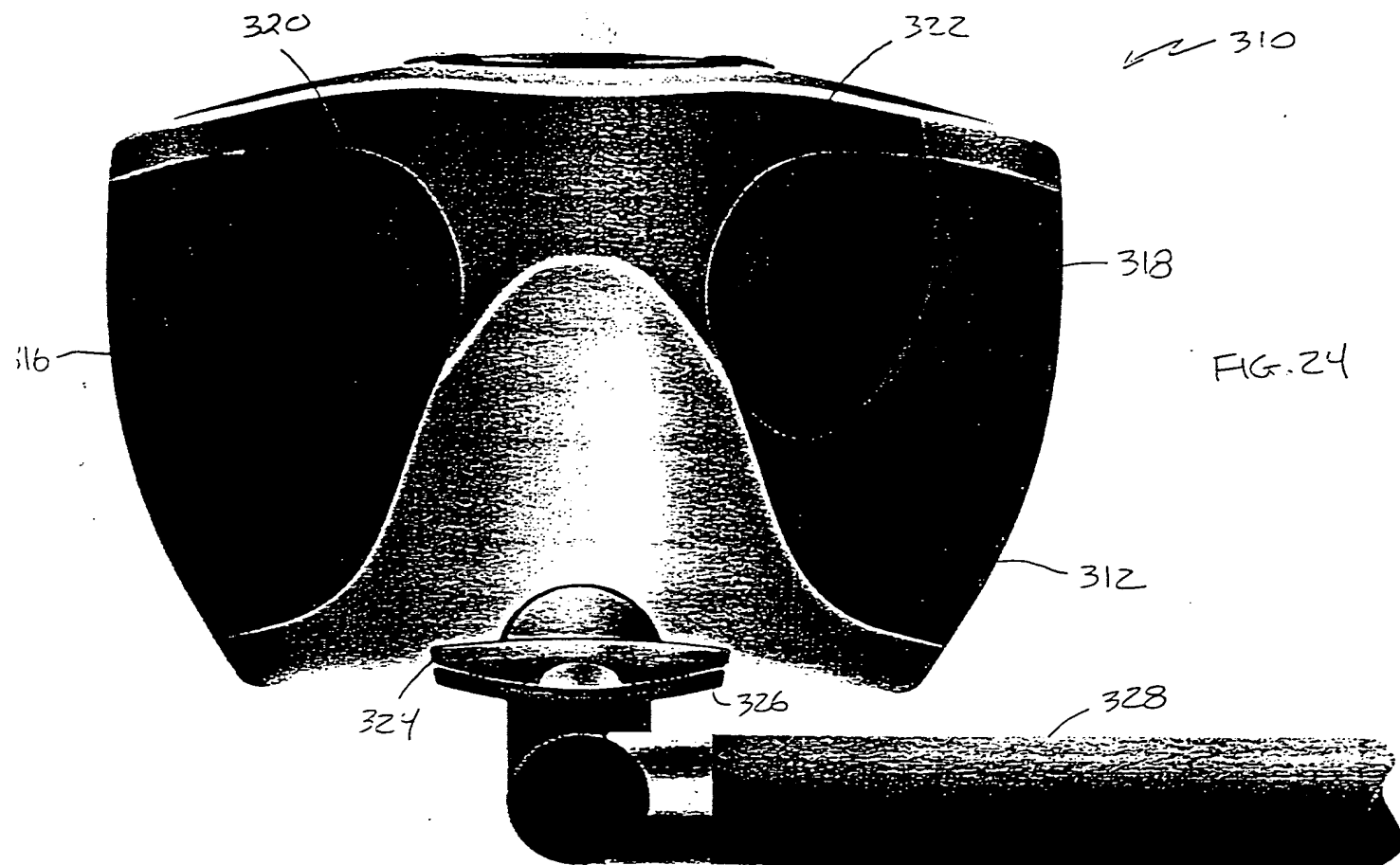
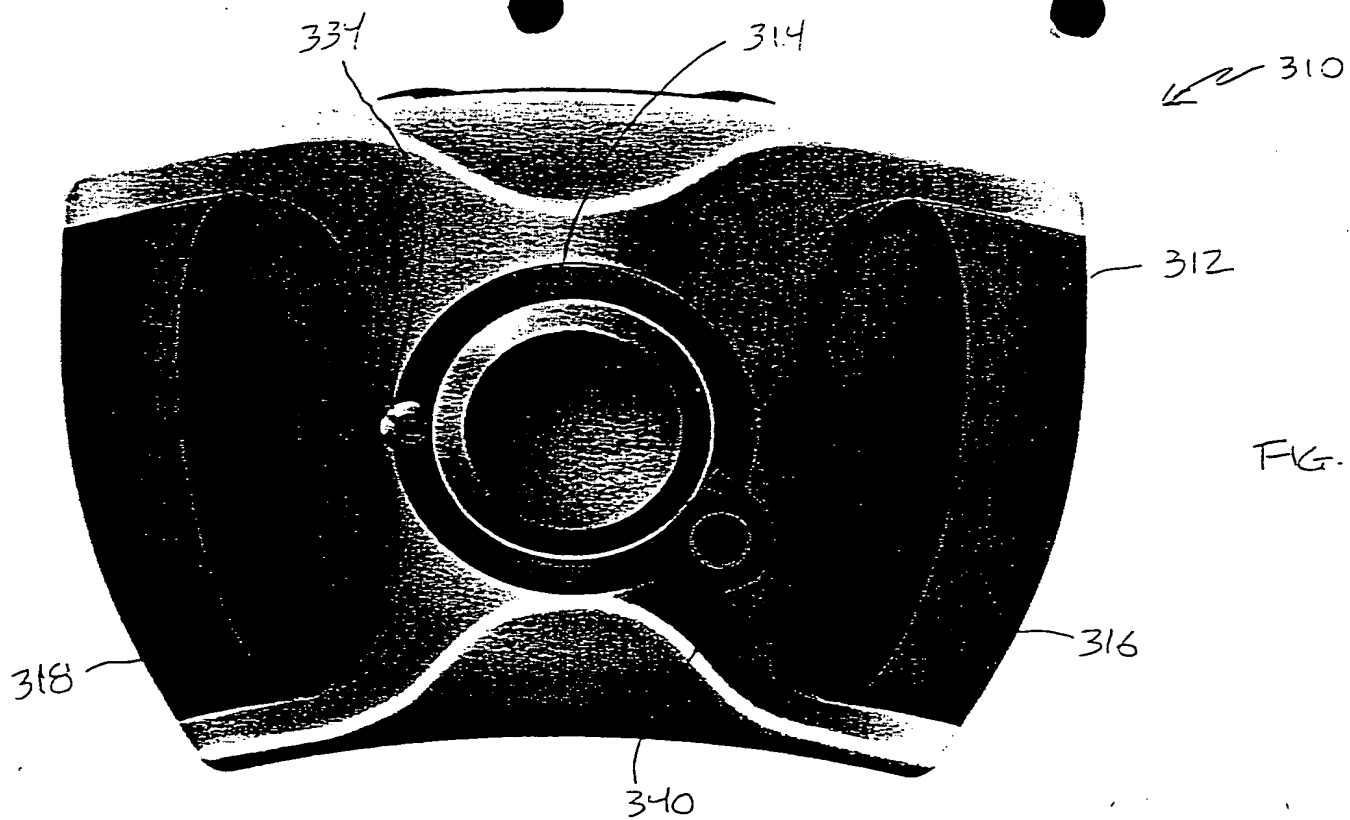


FIG. 21





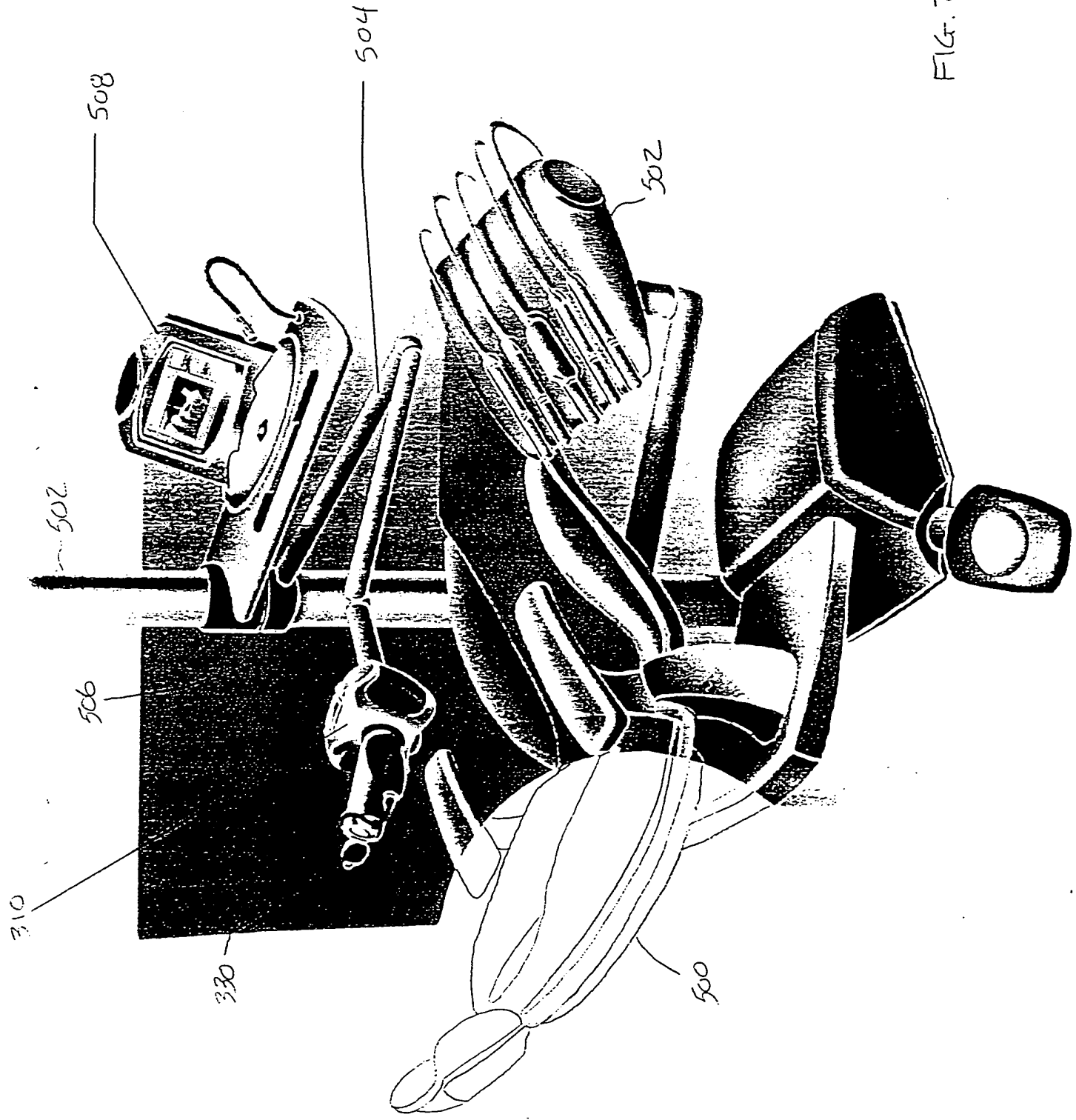


FIG. 25

310 Z

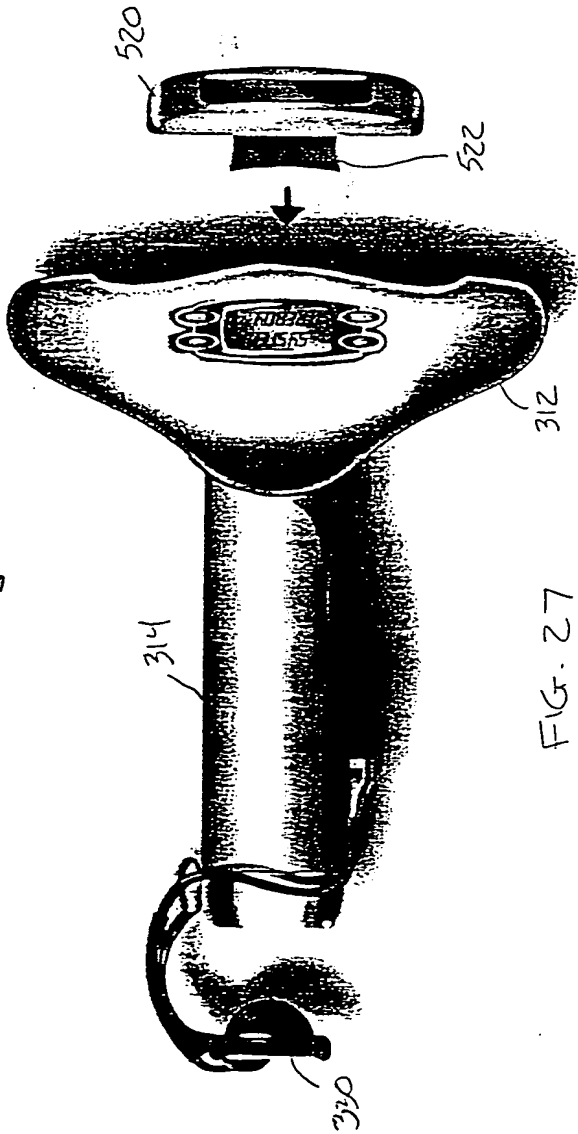


FIG. 27

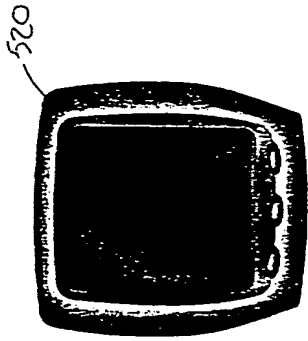


FIG. 26

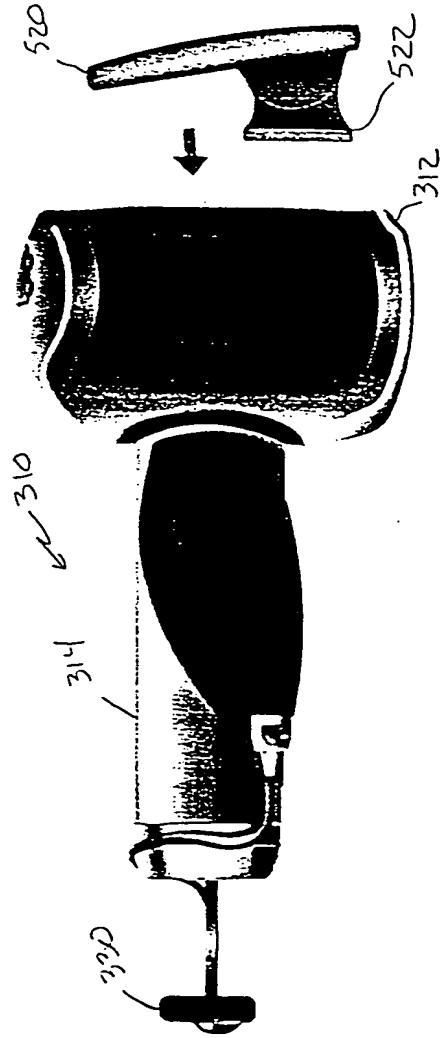


FIG. 28

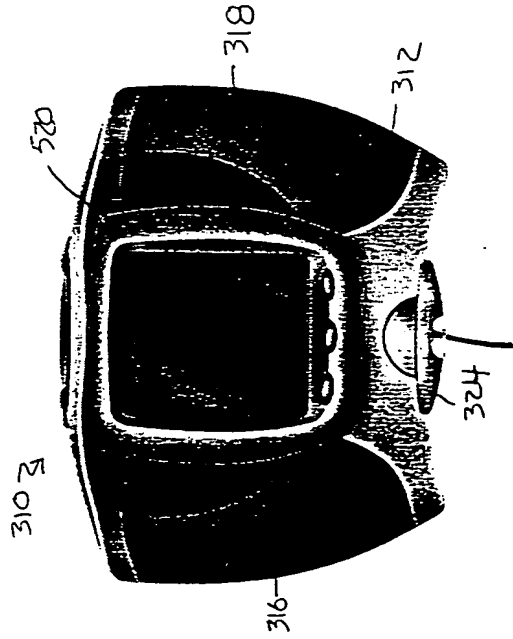


FIG. 29